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November 5, 2021

VIA CM/ECF

Honorable Matthew W. Brann
U.S. District Court for the Middle District of Pennsylvania
U.S. Courthouse and Federal Office Building
240 West Third Street, Suite 218
Williamsport, PA 17701

Re: *Leone et al v. Riddell, Inc. et al*

To the Honorable Judge Brann:

This firm, along with attorney Marion Munley, Munley Law, P.C., represent the Plaintiffs (the Leone family). I write in response to the letter from counsel for defendant Riddell, Inc. dated November 3, 2021, regarding Plaintiffs' responses to the defendant's written discovery.

We inform the Court that the Plaintiffs and counsel are working, and continue to work, diligently and cooperatively with Defendant Riddell and its counsel to facilitate the completion of fact discovery in this case, remaining mindful of the June 15, 2022, fact discovery deadline under the Court's Case Management Order [Doc. 16].

To this end, on June 29, 2021, and following receipt of Defendant Riddell's written discovery, Plaintiffs served their Rule 26.1 Initial Disclosure Statement in which they identified all known health care providers who had provided incident-related medical care to Caleb Leone to date. Thereafter, at Defendant Riddell's request and in an effort of cooperative discovery, Plaintiffs provided seventeen (17) signed medical authorizations that permit Defendant Riddell to directly obtain Caleb's medical records from the identified providers.

With regard to the issue raised by Mr. Darrell in his letter to the Court, and in order for the Court to have an understanding of the scale of the documents and information sought from the Plaintiffs, the Defendant's written discovery includes four sets of discovery (document requests and interrogatories) totaling 53 individually numbered requests. The requests are directed to the Plaintiff Caleb Leone and to Caleb's parents, Plaintiffs Danielle Leone and Jacob Leone, who are, due to the severity of the traumatic brain injury Caleb suffered during the subject incident, the court-appointed co-guardians of their son's Estate and Person.

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Due to the nature of the TBI Caleb sustained, he is unable to assist in any way with responding to the requests, so the task of doing so falls to his parents who are charged with the sole responsibility of gathering information and documents responsive to Riddell's numerous requests, as phrased. By way of example, Riddell has requested, without limitation, "All medical/healthcare records in [Plaintiffs'] possession relating to any treatment, care, testing, assessment, or medication that [Caleb Leone] received from any healthcare provider or pharmacy." [Riddell's RFPs to Caleb Leone, Req. No. 2]. Interrogatories directed to Plaintiff Caleb Leone request the identification of "every known eyewitness to the incident" [Interrogatory no. 10], and the names and addresses of "all medical providers" who have treated Caleb Leone for incident-related injuries [Interrogatory no. 15]. In order to respond to this latter request, as phrased, counsel's office has reviewed more than 10,000 pages of medical records leading to the individual identification of more than 225 healthcare providers who have treated Caleb.

Undersigned counsel informs the Court that this office recently received from the Plaintiffs the remaining information that is needed to complete the responses, and we anticipate serving these on or before Monday, November 8, 2021.

If the Court thinks a conference call is still necessary to address this matter, we are available to at the Court's convenience.

Respectfully submitted,

/s/ Larry E. Coben

Larry E. Coben (Admitted *Pro Hac Vice*)

cc: All Counsel of Record (via eCourts)